

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)
OPIATE LITIGATION)
This document relates to:) MDL No. 2804
All Cases) Hon. Judge Dan A. Polster

)

**DEFENDANT QUEST PHARMACEUTICALS, INC.'S
STATUS REPORT FOR JUNE 22, 2022 CONFERENCE**

Pursuant to the Court's April 21, 2022 Order (Doc. No. 4380), Defendant Quest Pharmaceuticals, Inc. ("Quest") respectfully submits this status report in advance of the June 22, 2022 status conference.

I. Background

Quest is a very small distributor with a single facility operated by 39 full-time employees in Murray, Kentucky. In this MDL, Quest is named (most improperly) in approximately 78 cases spanning 10 states: Alabama, Illinois, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, and Maryland. In the counties where the plaintiffs in half of these cases are located (39), ARCOS data for the 2006–2014 reporting period confirms that Quest has 0% market share. In another 12 cases, Quest has market share of 0.27% or less.

Simply put, Quest would not be among "the ten Distributor[s] . . . most frequently named in MDL cases" (Doc. No. 4380 at 1) if the company were not named by plaintiffs from dozens of places where Quest has absolutely no presence. Quest thus would greatly appreciate the Court's assistance in securing voluntary dismissals of cases in which it has no market share (or cause shown why they should not be dismissed as to Quest).

II. Settlement

Although Quest has settled opioid litigation in the past, the company has no active litigation and is not currently engaged in active settlement negotiations. Nonetheless, for the cases in which it has market share, Quest is interested in “retain[ing] an outside mediator . . . [to] assist in those negotiations.” Doc. No. 4380 at 2.

III. Additional Bellwether Trials

Given Quest’s overinflated stature here based on joinder by plaintiffs from areas where the company has zero market share, the company submits that any bellwether trial against Quest would not serve the best interests of the MDL or be an efficient use of the Court’s resources. In any event, Quest requests that no MDL bellwether involving it be activated until after an opportunity to attempt to mediate the actions against the company.

Respectfully submitted,

/s/ John J. Haggerty
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Dated: June 16, 2022

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2022, Defendant Quest Pharmaceuticals, Inc.'s Status Report for June 22, 2022 Status Conference was served on all counsel of record via the CM/ECF system.

/s/ John J. Haggerty
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